

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NUVASIVE, INC.

Plaintiff,

v.

TIMOTHY DAY

Defendant.

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No. 1:19-cv-10800-DJC

NUVASIVE, INC.'S MOTION FOR WRIT OF EXECUTION

Pursuant to Rule 69(a) and through its counsel of record, NuVasive, Inc. (“NuVasive”) hereby requests that the Court issue a Writ of Execution in conformity with the Judgment entered in this action on April 15, 2022.

As grounds for this Motion, NuVasive states the following:

1. On April 15, 2022, this Court entered the Judgment for NuVasive in the amount of \$1,602,123.00, plus attorneys’ fees in the amount of \$127,214.50 and costs in the amount of \$2,103.85. A true copy of the Judgment is attached hereto as **Exhibit 1**.

2. Following issuance of the Judgment, Timothy Day neither voluntarily paid the Judgment nor sought a stay under Rule 62.

3. NuVasive is entitled to a Writ of Execution and now asks the Court to issue the same. A true copy of the Writ of Execution that NuVasive seeks is attached hereto as **Exhibit 2**.

Accordingly, NuVasive requests that the Court order that a Writ of Execution issue forthwith in the amount of \$1,731,441.35, plus interest from the date of the Judgment and grant such other and further relief as the Court deems just and appropriate.

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that the parties have conferred regarding the issues presented herein and that counsel for Timothy Day does not assent to this Motion.

Respectfully submitted,

NUVASIVE, INC.

By its attorneys,

s/M. Thomas McFarland

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CERTIFICATE OF SERVICE

Pursuant to Local Rules 5.2(b)(2) and 5.4 of the Local Rules of the United States District Court for the District of Massachusetts, I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent by first-class mail to those indicated as non-registered participants, if any, on July 13, 2022.

s/M. Thomas McFarland

M. Thomas McFarland